

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 23, 2008

DIVISION ONE

B207086 People v. Zevallos (Not for Publication)

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B198754 People (Not for Publication)
v.
Pickering

The judgment is affirmed.

Bauer, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B207959 Los Angeles County, D.C.F.S. (Not for Publication)
v.
L.A.

The order is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Bauer, J. (Assigned)

December 23, 2008 (Continued)

DIVISION ONE (continued)

B205702 Peter Bolgar (Not for Publication)
v.
Schimmer-Cavanagh Insurance Agency, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Rothschild, J.

We concur: Mallano, P.J.
 Bauer, J. (Assigned)

B207763 Los Angeles County, D.C.F.S. (Not for Publication)
v.
H.C. and T.S.

The orders denying Father's section 388 petition and terminating Father and Mother's parental rights as to E.C. are reversed. The cause is remanded to the juvenile court with directions forthwith to grant Father's section 388 petition and forthwith to order reunification services and visitation with E.C. The decision is final forthwith.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

December 23, 2008 (Continued)

DIVISION ONE (continued)

1004225-09

The Honorable **RONALD LAWRENCE BAUER**, Judge of the Superior Court of California, **County of Orange**, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division One**, as a justice thereof, on the following dates:

February 1, 2009 to February 28, 2009

and until completion and disposition of all causes submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

December 19, 2008

Ronald M George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION TWO

B207751 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 M.S.

The appeal is dismissed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
 Chavez, J.

DIVISION THREE

B200984 People v. Zepeda (Not for Publication)

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B206343 People v. Lee (Not for Publication)

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B195664 Baudino (Certified for Publication)
v.
SCI California Funeral Services, Inc., etc., et al.,

The judgments entered against Baudino and in favor of SCI California Funeral Services, Inc., doing business as Mirabal Mortuary, Service Corporation International, SCI Funeral Services, Inc., an Iowa corporation, and SCI Management LP, a Delaware limited partnership, are affirmed. Baudino is to pay all costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B201511 Lucio (Certified for Publication)

v.

City of Los Angeles, et al.,

The judgment is affirmed. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B196495 Roberts (Not for Publication)

v.

City of Los Angeles, et al.

The judgment is affirmed. Appellant to recover costs.

Epstein, P.J.

We concur: Manella, J.
 Suzukawa, J.

B205002 People (Not for Publication)

v.

Niebla

The matter is remanded to the trial court for resentencing and the court is to determine custody credits through the date the appellant is resentenced. The trial court is directed to send a corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
 Willhite, J.

December 23, 2008 (Continued)

DIVISION FOUR (continued)

B200327 Gussman (Not for Publication)
v.
English

The permanent injunction against appellant under section 527.6 is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

B20032 People (Not for Publication)
v.
McNutt

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

B205534 People (Not for Publication)
v.
Davis

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B204169 In re James Compton (Not for Publication)
 On
 Habeas Corpus

The petition for writ of habeas corpus is granted in part. Let a writ of habeas corpus issue directing the superior court to prepare and file an abstract of judgment amended as follows: delete the sentence of 15 years to life for count 7; add a sentence of life with the possibility of parole for count 7; delete the notation that the minimum term is 30 years pursuant to section 186.22, subdivision (b)(4); add a notation that the minimum term is 14 years pursuant to sections 3046, subdivision (a)(1), and 667, subdivision (e)(1); add a five-year enhancement pursuant to section 667, subdivision (a)(1); amend the enhancement of 25 years to life to show it was imposed pursuant to section 12022.53, subdivisions (d) and (e)(1). Copies of the amended abstract shall be forwarded to the Department of Corrections and Rehabilitation and to counsel for both petitioner and respondent.

Epstein, P.J.

We concur: Manella, J.
 Suzukawa, J.

B201763 Noval (Not for Publication)
 v.
 Moritz

The order denying the motion to strike is affirmed. Constantino shall have his costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
 Suzukawa, J.

December 23, 2008 (Continued)

DIVISION FOUR (continued)

B205465 McVey (Not for Publication)
v.
Day

The judgment is reversed. Appellant is awarded costs on appeal.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B202561 People (Not for Publication)
v.
Gutierrez et al.

The judgments are affirmed as to both defendants.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B207208 Los Angeles County, D.C.F.S. (Not for Publication)
v.
R.P.

The jurisdictional order declaring D. a dependent of the juvenile court is reversed. All subsequent orders are vacated as moot.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

December 23, 2008 (Continued)

DIVISION FOUR (continued)

B203886 People v. Alvarez (Not for Publication)

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B203921 Bond (Not for Publication)
v.
Hawkins et al.

The judgment is affirmed. Respondents shall have their costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

DIVISION FIVE

B202940 People (Not for Publication)
v.
Angela Wallace

The judgment is modified to impose: an additional \$20 court security fee pursuant to Penal Code section 1465.8, subdivision (a) (1); a \$2 state surcharge pursuant to Penal Code section 1465.7, subdivision (a) as to the section 1202.5 crime prevention fund fine; and a \$3 state court construction penalty as to the section 1202.5 fine pursuant to Government Code section 70372, subdivision (a). The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

December 23, 2008 (Continued)

DIVISION SIX

B203878 People (Not for Publication)
v.
Diaz

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B203350 People (Not for Publication)
v.
Fischetto

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B208216 People (Not for Publication)
v.
King

We remand the matter for a determination of the actual cost of the attorney's fees incurred, and King's ability to pay all or a portion of the fees. The judgment is otherwise affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

December 23, 2008 (Continued)

DIVISION SIX (continued)

B200472 People (Not for Publication)
v.
Johnson et al,

The judgments are affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B208331 People
v.
Bowen

Filed order denying petition for rehearing.

DIVISION EIGHT

B204577 People (Not for Publication)
v.
William Joel Petty

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Bigelow, J.

DIVISION EIGHT (continued)

B205815 Rebecca Bolanos, a Minor, etc., (Certified for Publication)

v.

Superior Court, Los Angeles County
(California Department of Health Services, r.p.i.)

The petition for writ of mandate is granted. The respondent court is directed to vacate its December 21, 2007 order denying petitioner's Ahlborn motion, and thereafter to conduct a hearing, or hearings, to determine, consistent with the views expressed in this opinion and in accordance with the provisions of section 14124.76: (1) the portion of the settlement that represents payment for past medical expenses, or medical care; and (2) the maximum amount the director may recover on the Medi-Cal lien. Petitioner is awarded costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

1004226-09

The Honorable **VINCENT J. O'NEILL, JR.**, Judge of the Superior Court of California, **County of Ventura**, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Eight**, as a justice thereof, on the following dates:

February 1, 2009 to February 28, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

12-19-2008

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council